IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9972 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RP VIRANI

Versus

GEB

Appearance:

MR GM JOSHI for Petitioner

NOTICE SERVED BY DS for Respondent No. 1

MR SP HASURKAR for Respondent No. 2

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 05/04/2000

ORAL JUDGEMENT

#. Mr.G.M.Joshi, for the petitioner. Mr.Hasurkar, Ld.Additional G.P. for the respondent Board. Rule. Mr.Hasurkar, waive service of rule for respondent Board. The main grievance of the petitioner is that the order

passed by the 1st appellate authority as well as 2nd appellate authority are not in true sense speaking order and therefore the same are required to be quashed and set aside by this court. It is also the case of the petitioner that the matter should be remanded to the 1st appellate authority so as to decide the matter by setting out the reasons for its decisions by the 1st appellate authority afresh. There is substance in the submission made by the petitioner and Mr.Hasurkar, Ld.Additional G.P. appearing for the Board cannot agitate that the order at Annexure-G and H respectively passed by the 1st and 2nd appellate authority, can be said to be speaking orders. Taking into consideration the aforesaid grievance of the petitioner and taking into consideration the nature of the order at Annexure-G and H, this petition is required to be allowed to that limited extent. Both these orders Annexure-G and H passed by the 1st appellate authority and 2nd appellate authority respectively are quashed and set aside. The matter is remanded to the 1st appellate authority who shall take into consideration the submission/s of the petitioner and shall pass a speaking order. Rule is made absolute with no order as to costs.

kks